

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JOSHUA HUTCHASON, and BRIAN)
OSBURN)
)
Plaintiffs,)
)
v.) Case No. CIV-17-113-D
)
LOWRY LAND CO., INC.,)

Defendant.

ORDER

Before the Court is Plaintiffs' Unopposed Motion for Approval of the Settlement Agreements and Attorneys' Fees and Costs [Doc. Nos. 55, 56]. Plaintiffs bring this suit under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201, *et seq.*, claiming violations of the FLSA overtime pay provisions.¹ Plaintiffs seek approval of two settlement agreements—one for each of the settling plaintiffs.

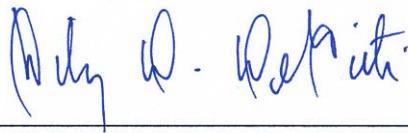
Having reviewed the supporting documentation and considered the facts of the case,

¹ Although the Tenth Circuit has not addressed whether court approval is required for settlement of individual FLSA claims, other district courts within the Tenth Circuit have reviewed such settlements. *See Arnold v. Navika Capital Grp., LLC*, 14-CV-378-GKF-FHM, 2016 WL 8198319, at *1 (N.D. Okla. May 20, 2016) (noting that "that the Tenth Circuit has not yet required such approval" but addressing the motion for approval); *Baker v. Vail Resorts Mgmt. Co.*, 13-CV-01649-PAB-CBS, 2014 WL 700096, at *1 (D. Colo. Feb. 24, 2014) (stating that "[w]hen employees file suit against their employer to recover back wages under the FLSA, the parties must present any proposed settlement to the district court for review and a determination of whether the settlement agreement is fair and reasonable.") (citing *Lynn's Food Stores, Inc. v. U.S. By & Through U.S. Dep't of Labor, Employment Standards Admin., Wage & Hour Div.*, 679 F.2d 1350, 1353 (11th Cir. 1982)).

the Court **GRANTS** Plaintiffs' Motion and **ORDERS** as follows:

1. The Parties' Settlement Agreements are approved as fair, reasonable and adequate, and a fair and reasonable resolution of a *bona fide* dispute.
2. Plaintiffs' counsel's attorneys' fees and costs are granted and approved. The settlement award of attorney fees, when divided by the hours expended, equates to a reasonable hourly rate.
3. The Plaintiffs' Unopposed Motion also requests that the Court, upon approval of the settlement agreements, dismiss this action with prejudice. [Doc. No. 55] at 14. This is consistent with the provisions of both settlement agreements. Thus, the Court will dismiss this action with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2).

IT IS SO ORDERED this 4th day of October, 2018.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE